IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20236 of 1994

Between:

G. Vanajakshi W/o Nagamani Babu,
R/o Pothumuru (V), Denduluru (M),
W.G.Dist. **..... PETITIONER**

AND

1 Agriculture Market Committee Rep by Secretary
Tadepalligudem W.G.Dist.
2 the Government of A.P., Rep by Secretary
Food & Agriculture Department, Secretariat Buildings, Hyderabad.
3 The Union of India Rep by Secretary
Industries Department, New Delhi,
(RR3 dismissed for default vide court order dt:9.12.99)

4.. Agricultural Market Committee,

Anakapalli, Vizag District Rep by its Secretary

5.. Agricultural Market Committee,

Ichapuram, Srikakulam district

(RRs 4 and 5 impleaded as per Court order dt 13-4-98 in

WPMP 19978/96) **....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of Mandamus or any other appropriate writ or order or direction restraining the 1st respondent herein ie., Agriculture Market Committee, Tadepalligudem from levying and collecting fees from the petitioner herein under section 12 of the A.P (Agricultural Produce and Live Stock) Market Act 1966 on Prawns and Shrimps after declaring that the said Act in so far as iot relates to, or is made applicable by the 2nd respondent to fish and other marine products in incompetent ultra vires, without jurisdiction, contrary to law and repugnant to the Central Act, Marine Products Exports Development Authority Act, 1972 enacted by the Parliament

Counsel for the Petitioner:MR.M.V.S.SURESH KUMAR

Counsel for the Respondent No.: MR.TRAMA MOHAN RAJ

The Court made the following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 20236 OF 1994

ORDER:

This writ petition is filed questioning the action of the respondents in levying and collecting fees from the petitioner under section 12 of the A.P.(Agricultural Produce and Live Stock) Markets Act 1966.

Heard learned counsel for petitioner and learned Standing Counsel for respondent market committee.

Both the counsel conceded that the matter is covered by judgment of the Apex Court in ITC LTD Vs. PERSON INCHARGE, AMC, KAKINADA and that following the said decision, this Court dismissed W.P.No.12182 of 1993 dated 18-3-2004.

In the circumstances, following the above decision of Apex Court, the present writ petition is dismissed. No costs.

N.V.RAMANA,J

29-9-2004

TVK

To

1 The Secretary, Agriculture Market Committee
Tadepalligudem W.G.Dist.
2 The Secretary, Government of A.P.,
Food & Agriculture Department, Secretariat Buildings,
Hyderabad.
3 The Secretary ,Union of India
Industries Department, New Delhi,
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4.. The Secretary, Agricultural Market Committee,

Anakapalli, Vizag District

5.. Agricultural Market Committee,

Ichapuram, Srikakulam district

6..2CCs to

7..2CD copies

*Form-NIC-OGS/WP{**MJS**}*

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 20236 of 1994

Date: 29-9-2004